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7 Attorneys for Defendants
8 ANTARA BIOSCIENCES, INC.,
MARC R. LABGOLD and DANA ICHINOTSUBO

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12

13
14 IZUMI OHKUBO,
15 Plaintiff,

16 v.

17 ANTARA BIOSCIENCES, INC.
18 MARC R. LABGOLD AND DANA
ICHINOTSUBO,
19 Defendants.

Case No.: C07 06354 JW

[PROPOSED] ORDER

Date: April 7, 2008
Time: 9:00 a.m.

Honorable James Ware
Courtroom 8

[Notice of Motion and Motion to Dismiss
Complaint, Certification of Interested
Entities or Persons, and Declaration of
Marc R. Labgold, Ph.D., filed
concurrently herewith]

Complaint Filed: December 14, 2007

ORDER

THE COURT, having considered Defendants Antara Biosciences, Inc.'s, Marc Labgold's, and Dana Ichinotsubo's (collectively "Defendants") Motion to Dismiss the supporting evidence submitted therewith, the arguments of counsel, all other matters presented to the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that Defendant's Motion is GRANTED. Plaintiff Izumi Okhubo's Complaint is dismissed with prejudice in its entirety.

DATED: _____

Honorable James Ware, Courtroom 8

Respectfully submitted.

DATED: February 19, 2008

**KURT OSENBAUGH
WESTON, BENSHOOF, ROCHEFORT,
RUBALCAVA & MacCUISH LLP**

/s/

Kurt Osenbaugh

Attorneys for Defendants
**ANTARA BIOSCIENCES, INC., MARC R.
LABGOLD AND DANA ICHINOTSUBO**

PROOF OF SERVICE

I, Melinda Montero, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On February 19, 2008, I served the document(s) described as **[PROPOSED] ORDER** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

☒ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

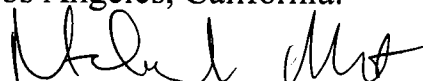
☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☐ BY ELECTRONIC MAIL TRANSMISSION WITH ATTACHMENT: On this date, I transmitted the above-mentioned document by electronic mail transmission with attachment to the parties at the electronic mail transmission address set forth on the attached service list.

☒ BY ELECTRONIC MAIL: I transmitted the documents listed above, electronically, via the U.S.D.C. CM/ECF website as indicated on the attached service list.

☐ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2008, at Los Angeles, California.


Melinda Montero

Izumi Ohkubo v. Antara Biosciences, Inc., et al.
United States District Court Northern District, San Jose Division
Case No. C07 06354 JW

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